

STRIKERS GRANTED WRIT CORRECTING ACTS OF MARSHAL HERE

Order Restrains Snyder From Exceeding Scope of Chicago Injunction.

Action Against Gordon Fails; Can Be Renewed

Injunction Runs Until Hearing Next Friday on Motion to Dismiss Bill of Union.

Edgar C. Snyder, United States marshal for the District of Columbia, was today temporarily restrained by Justice Jennings Bailey of the Supreme Court of the District of Columbia from interfering with meetings of the International Brotherhood of Electrical Workers, one of the striking rail shop crafts, or with doing anything in excess of the scope of the Chicago injunction.

The application of the strikers for an injunction against United States Attorney Gordon was denied without prejudice to a renewal after next Monday, when the Chicago restraining order expires under its terms. The strikers were allowed to give only a nominal bond of \$100,000 to restrain the marshal from exceeding the scope of the Chicago injunction.

The filing of the motion to dismiss was the method adopted by United States Attorney Gordon and Assistant United States Attorney West to prevent the hearing today of the application of the strikers for a writ of habeas corpus. In government's motion to dismiss the jurisdiction of the District Supreme Court to interfere with the service of an order from a federal court of competent jurisdiction.

Mr. Gordon was not prepared to argue the motion to dismiss, pointing out that it had been noticed to counsel for the strikers. The government's motion to dismiss the jurisdiction of the District Supreme Court to interfere with the service of an order from a federal court of competent jurisdiction.

Col. Easby-Smith made a lengthy argument in support of the application of the strikers and pointed out that the strikers had the right to meet in peaceable assembly. He also pointed out that the strikers had been aligned against Marshal Snyder, as well as other acts claimed to be in excess of the scope of the injunction order, even if it were valid. He denied the validity of the Chicago injunction and asserted that while the suit was filed in Chicago September 1, the Chicago injunction was not in effect until three hours after Mr. Noonan and the other strikers had filed in this court the application for injunction. He claimed that the strikers had been denied a writ of habeas corpus and that the plaintiffs are entitled to a restraining order.

Opposed Temporary Order.

Maj. Gordon opposed the granting of a temporary injunction, declaring that the remedy is available to the plaintiff in the next Monday in the federal court which issued the injunction. He questioned the right of the court to issue the injunction, which was issued without jurisdiction, and without showing that the strikers were without jurisdiction to interfere with the order or the service of the injunction, which was the duty of government officials named in the petition. He refused to enter into a stipulation that the injunction was not to be enforced, and that the court was willing to agree to not to do his duty as he sees it.

Grounds of Petition.

The government's move to dismiss the petition for injunction was made on the following grounds:

1. That the suit is in effect one against the United States, to which the United States is not a party, and in which it has not consented to be sued.
2. That the bill of complaint alleges no facts showing that the district court for the northern district of Illinois was without jurisdiction to enter the order which it is alleged the defendants (Peyton Gordon and Edgar Snyder) have threatened to enforce, and that the district court in the case in which said order was entered.
3. That said order, so entered by the district court for the northern district of Illinois, is not subject to the writ of habeas corpus, and that the district court having jurisdiction of the controversy, this court cannot act as an appellate court to review a judgment of the district court.
4. That the plaintiffs have an adequate and complete remedy by proceedings in the said district court in the case in which said order was entered.

That there are no facts alleged in the bill of complaint to show that the alleged threatened acts of the defendants will interfere with the property or pecuniary rights of the plaintiffs, and that therefore a court of equity is without jurisdiction to grant the relief prayed.

COSTA RICA REJECTS TREATY.

By the Associated Press.

SAN JOSE, Costa Rica, September 9.—The Costa Rican national assembly, called in special session by President Acosta for consideration of the Central American treaty of peace and amity signed at the recent conference aboard the U. S. S. Tacoma, has refused to ratify the treaty.

Seek to Vacate Daugherty Writ Against Jewell

By the Associated Press.

CHICAGO, September 9.—A motion to vacate the government's temporary restraining order against the shopkeepers union, so far as it applies to B. M. Jewell, head of the railway employees department of the American Federation of Labor, and John Scott, secretary, was filed in United States district court here today.

The action was begun by Attorney Donald R. Richberg, on behalf of the railway employees department, and was based on three general allegations: That the government had failed to make a case; that the relief asked and obtained on a temporary order was prohibited by the Clayton act, and that relief was sought and obtained with ulterior objects and under misrepresentations.

MINERS EXPECTED TO SIGN K. CONTRACT

Convention Will Probably Vote Today on New Hard Coal Agreement.

LEWIS PREDICTS VICTORY

Union President Says Peace Pact Will Win by Big Majority.

WILKES-BARRE, Pa., September 9.—President John L. Lewis of the United Mine Workers and the presidents of the three anthracite districts were confident today that the agreement with the operators would be ratified by a decisive majority when it came to a vote.

Mr. Lewis stated that as a result of careful check-up of the delegates he was satisfied with the outlook. He said that 1,732 votes would be cast by the 690 delegates who make up the convention and he predicted that 50 per cent of the vote would be cast for ratification.

When the convention adjourned yesterday afternoon to meet again this morning, the resolution calling for ratification of the new agreement with the operators was still the subject of lively discussion. Despite the fiery oratorical assaults made on the peace pact and repeated demands that the convention vote it down and instead call for a strike, the delegates voted to allow the ratification of the new agreement.

Philip Murray, international vice president, addressing the convention said: "I strongly urge you to adopt the plan to end the suspension. Of what use is it to suspend the strikers? What poison do you then occupy? We still hold the present offer would still hold good? We did we would be satisfied to ourselves."

The anti-agreement forces were exceedingly active yesterday, and their speakers were allowed to present their arguments freely. Strenuous effort was made to sway the convention to reject the new agreement and to send the scale committee back to the operators with instructions to insist upon the granting of the nineteen demands adopted last January by the Shamokin convention.

Speakers on both sides were loudly applauded.

TO CONTROL COAL PRICE.

PHILADELPHIA, September 9.—The Pennsylvania coal commission will use its authority to prevent skyrocketing of anthracite prices and to guard against speculation. To this end a meeting of commissioners and independent anthracite operators will be held this afternoon at the suggestion of Secretary of Commerce Herbert Hoover.

"The commission is concerned in the matter of coal prices, and its good offices, but its authority, to stabilize anthracite prices and to secure an equitable distribution of coal," said Chairman W. D. Alney of the commission, "so that the needs of the householders can be provided for as speedily as mine operating conditions improve and production is had."

The matter of stabilizing prices is much more of a problem than would appear at first blush. In connection with price adjustments, the fuel commission is giving serious consideration to the feasibility of establishing a fair practice committee.

"Before we reach a definite conclusion as to all the facts, I am in a position to say that the commission is in a position to say that the needs of the householders can be provided for as speedily as mine operating conditions improve and production is had."

Word To Get Coal.

CINCINNATI, Ohio, September 9.—According to a telegram given out here late yesterday by Ernest F. Heasley, president of the American Export and Inland Coal Company, with offices in this city, an agreement has been entered into with representatives of Henry Ford of Detroit by which a sufficient amount of coal will be forwarded to the manufacturer of the Ford Company to obviate the shutdown that was scheduled for September 16.



CLARKE MAY BE WILSON'S CHOICE FOR NOMINATION

Politicians See Hand of Former President in Resignation of Supreme Court Justice—Break With Cox Possible.

BY DAVID LAWRENCE.

Did Woodrow Wilson have any connection with the resignation of Justice Clarke from the supreme bench, to which he originally nominated him? Or, to put it another way, did the influence of Woodrow Wilson bring about the retirement of Mr. Clarke at the very moment when the return of former Gov. Cox of Ohio from Europe revives the latter's presidential hopes?

These questions have been variously asked and answered by democratic politicians who cannot believe that Mr. Clarke is simply interested in the bench to read books, but that his real reason is to take an active part in the advocacy of American membership in the league of nations. Mr. Clarke's own letter to President Harding stated that he wished to serve his neighbors and espouse public causes. The most important cause in the mind of Justice Clarke is the league of nations, and his thoughts run so much along the same lines as those of Woodrow Wilson that his entry into the political arena as a champion of the league is being better served by the intervention of Justice Clarke into the situation.

As a piece of political strategy the lining up of the Ohio delegation for Clarke instead of Cox would have an important bearing no doubt on the action of a national democratic convention.

Assuming that Mr. Clarke is himself not a party to the politics of the situation and is simply interested in the league of nations, his espousing the league of nations, nevertheless his availability as a democratic candidate for the job of president is being better served by the intervention of Justice Clarke into the situation.

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D. C. COAL CONTROL TROLLEY MERGER MAY COME TO END

The Public Utilities Commission is making a survey of the coal situation in Washington for the purpose of determining whether it is now possible to discontinue the municipal control of fuel, it became known today.

Engineer Commissioner Keller, in direct charge of local fuel control, stated, in answer to questions, that if inquiry shows that Washington is now approaching a normal supply of fuel at reasonable prices, the commission undoubtedly will cease to function as a fuel distributing agency.

Meeting Is Called.

Col. Keller explained that if the city is getting back to normal in coal shipments, he does not see any function for the commission to perform.

The commission has called a meeting of the committee representing the coal dealers and representatives of the trade of the District, to be held at the District building at 3 o'clock Monday afternoon.

While no official announcement has been made of the program of discussion, it is probable that this question of the future activity of the commission in regard to coal will be discussed.

Would Continue Check.

One prominent coal dealer expressed the belief today that the commission should continue to keep a check on the amount of coal ordered and obtained by each consumer. He pointed out that this would prevent some consumers from placing several orders with different dealers, thereby obtaining more coal than the consumer would order coal from only one source.

Under the present rules of the commission, consumers are required to place their orders with one dealer only, and the commission has on file a duplicate copy of all such orders.

COSGRAVE CHOSEN DAIL PRESIDENT

Labor Votes Only Opposition at New Parliament Inaugural.

PROMPTLY PICK CABINET

Desmond Fitzgerald Elected Minister of Foreign Affairs.

DUBLIN, September 9.—William T. Cosgrave, minister of local government, was elected president of the new parliament at its inaugural session today. The only votes cast against him were by the labor members.

After the election President Cosgrave nominated Desmond Fitzgerald as minister of foreign affairs, and Fitzgerald was elected.

The remaining ministers were appointed as follows:

- Minister of home affairs, Kevin O'Higgins.
- Minister of local government, Ernest Hythe.
- Minister of agriculture, Patrick Hogan.
- Minister of industry, commerce and labor, Joseph McGrath.
- Minister of education, Prof. John McNeill.
- Minister of defense, Gen. Richard Mulcahy.

Minister of Finance.

President Cosgrave nominated himself for the present as minister of finance. He said that those of the new ministry who were serving in the army would shortly be released.

The only anti-treaty member present when the session began was Lawrence Ginnell. The various military chiefs, including Richard Mulcahy and Owen O'Duffy, were in civilian clothes, the only uniform seen being worn by Capt. Sean McGarry.

Near every pro-treaty, independent and labor member was present.

Prof. Michael Hayes was elected speaker without opposition.

Lawrence Ginnell, having refused to sign the roll of what he called a "foreign" parliament and having shouted several times his objections to the proceedings, was on motion expelled from the house. After the adoption of this motion three men forcibly removed Ginnell.

Ginnell's ejection from the house was effected while he was speaking. The house continued its business while he kept shouting:

"Will any member for the six counties in northern Ireland be allowed to sit in this house?"

All the parliamentary procedure for his ejection occurred while he demanded answers to his questions, which was ignored by Speaker Hayes, who ruled that he could not speak unless he signed the roll call.

WHITE HOUSE BAND MUSIC CANCELED; GATES ARE CLOSED

The Marine Band concert scheduled for this afternoon, at 5 o'clock, has been canceled, it was announced at the White House, on account of Mrs. Harding's illness. The White House grounds were closed to the public today for the first time since the President's inauguration.

SWEETSER IS 3 UP IN FINAL AT GOLF

Evans Off in Approaching and Putting in Match for Amateur Title.

By the Associated Press.

BROOKLINE, September 9.—A new head was pushed up the gallery of golf champions today and an old one was being bowed when Jesse Sweetser, metropolitan titlist, led Chick Evans, twice national champion, 3 up at the end of the first half of their final match at thirty-six holes for the national amateur championship.

Sweetser was good today, but not as good as yesterday. Evans was off in approaching and putting.

Cards for the first nine holes:

Sweetser 4 5 4 4 3 5 4 5—39
Evans 5 4 5 4 3 5 4 4—40

Cards for the second nine holes:

Sweetser 4 5 3 4 4 3 4 5—36
Evans 3 6 4 5 5 3 4 3—37

WOMAN DIES IN AUTO CRASH.

Special Dispatch to The Star.

WINCHESTER, Va., September 9.—Blanch Davis, twenty-seven, was almost instantly killed last night near Harrisonburg when an automobile in which she was riding sideswiped another car and plunged down an embankment. Her neck was broken. Clarence Stepp, a companion, escaped serious injury.

SCIENCE HOLDS 47 MINERS ALIVE AFTER ENTOMBED FOR 12 DAYS

By the Associated Press.

JACKSON, Calif., September 9.—Science, through one of its uncanny instruments, had turned despair into hope when crews of diggers resumed today their hectic task of reaching the spot waited in by rock and debris and flame where forty-seven workers in the Argonaut gold mine here have been imprisoned for twelve days.

It seemed yesterday that the rescuers would release only corpses. An official of the company had expressed the belief that all the entombed miners were dead and every evidence apparently pointed to that. Yet late last night, came the astonishing announcement that chemical tests had demonstrated that the men all were alive.

\$5,000 Rewards Offered.

Argonaut officials said they were preparing a formal statement declaring their opinion that none of the miners had perished. The officials backed up their assertion with an offer of a reward of \$5,000 for the first crew reaching the miners.

A delicate instrument, it was explained, had been lowered into the fiery and gaseous shaft through which the men had gone. It had recorded no gases indicating the presence of living men. Moreover, it was said to show that no gases had penetrated to the spot where the men were entombed, but that the air at the lower level was pure enough to sustain life. An analysis of air currents in the shaft indicated that there was no carbon monoxide below the 2,600-foot level. Previously it had been believed that poisonous gases had permeated levels far below that.

Many Obstacles to Rescue.

A reckoning of progress made by rescue crew showed that on the 3,600-foot level 245 feet of muck must be cleared before the seventy-five feet of solid rock remaining could be penetrated. On the 3,900-foot level there remained 130 feet of soft substance and 142 feet of rock.

It was announced that an old timber bulkhead, has been encountered on the 3,600-foot level of the Kennedy shaft. It was expected that this would be chopped through by today and passage to the face of the Argonaut rock may be open beyond it.

A dispatch to the rescue crew said that with this tunnel fear that a further obstacle will be encountered in the form of muck and silt, which have impeded excavation thus far.

MRS. HARDING'S CONDITION REGARDED AS DESPERATE

Turn for Worse Follows Restful Night; Temperature Higher.

Decision to Operate Held Up Until Arrival of Dr. Mayo.

Mrs. Warren G. Harding grew more desperately ill today, and her condition at noon was described as less favorable than at any time since she was stricken several days ago.

Hope for Mrs. Harding's ultimate recovery was encouraged early this morning by an announcement from Brig. Gen. C. E. Sawyer, the White House physician, that she had passed a "fairly comfortable night," only to be followed by a rise in her temperature shortly before noon.

Shortly after this it was admitted by those close to the President and Mrs. Harding that the patient's condition had passed beyond that of ordinary concern and reached a stage serious enough to cause grave doubts as to her recovery.

Passes Fair Night.

The first intimation that Mrs. Harding was seriously ill was made public yesterday, when Brig. Gen. C. E. Sawyer, an official announcement, said complications had arisen, which made recovery uncertain. This morning, however, his first bulletin was encouraging, stating that the President's wife had spent a "fairly comfortable night," and that the complications were "less threatening."

A similarly optimistic view was expressed by the first time President General said he believed her "plucky and will" would pull her through. Secretary War Weeks, who was an early visitor, said the marked improvement in Mrs. Harding's condition had taken place during the night.

When a rapidly increasing fever developed several hours later, however, hope in this connection was shaken. The physicians in charge were not sanguine and that the rest she had obtained during the night apparently did not benefit her, as had been hoped. The one thing that Mrs. Harding's physicians pin their hopes upon was a moderately steady pulse.

Bulletin.

The bulletin issued at 9:30 a.m. by Brig. Gen. Sawyer, follows:

"Mrs. Harding had a fairly good night. The complications of yesterday are less threatening this morning. On the whole, her condition is as favorable as can be expected at this time."

President at Bedside.

President Harding remained by his wife's side until 3 o'clock this morning and left strict orders that he should be called if a change for the worse occurred. This morning, after the first time since the President entered the executive offices immediately after breakfast. He remained in the White House proper and gave instructions to have his calendar kept clear of engagements.

The utmost quiet was ordered maintained and the big gates of the White House grounds were ordered closed for the first time since President Harding was inaugurated. No visitors were permitted to enter the grounds and a concert which was to have been given by the Marine Band in the rear of the White House at 5 o'clock was canceled. Mrs. Harding's room on this side of the house and it was feared the music would annoy her.

No steps were taken to operate on Mrs. Harding until Dr. Charles Mayo, the noted surgeon, arrives from Rochester, N. Y., to reach Washington late tonight or early tomorrow and will go into consultation with Dr. John H. Mayne, who was summoned here last night; Dr. Carl W. Sawyer of Marion, Ohio, brother of Brig. Gen. Sawyer, and Brig. Gen. Rawley.

Symptoms of Disease.

The nomenclature of medicine describes hydro-nephrosis as an accumulation of fluid in the pelvic region of the kidney, caused by an obstruction of the flow of urine between the kidneys and the bladder. Frequently it has been misdiagnosed as dropsy, and it is believed that previous indications of the same trouble had been absolutely ruled out. It is believed that the friends to believe that she was disposed to a dropical.

(Continued on Page 2, Column 2.)

SCHOOL OFFICIALS WIN BUDGET RAISE

Commissioners Increase Estimate to \$7,000,000 After Hearing Board's Protest.

A number of the most essential items of the school building program eliminated from the original school estimates for the next fiscal year when the drastic reduction of \$2,900,000 was ordered will be restored by the Commissioners. Decision to grant the schools an appropriation larger than the \$5,500,000 was reached by the Commissioners at a conference today with school officials and members of the board of education.

How much the Commissioners will add to the budget was not revealed, but it is believed to be about \$1,500,000, which will bring the total school estimates up to \$7,000,000, the amount Dr. Abram Simon, president of the board of education, has absolutely necessary for the schools in 1924. Officials asked for \$4,400,000 in the original budget.

The increase to be allowed in the school estimates will provide for a partial carrying out of the school building program which has been entirely abandoned had only \$5,500,000 been granted.

Prepare New Estimates.

The remaining items of the building program which will not be contained in the original budget, will be included in the supplemental estimates the Commissioners plan to send to the budget bureau.

What items the Commissioners will cut from their estimates was not made known. Under the order of the budget bureau the entire District estimates must be kept within approximately \$24,000,000.

Engineer Commissioner Keller announced that the school estimates will be in hearty sympathy with the efforts of the school authorities to operate the school system on an efficient basis. He pointed out that the Commissioners would lay before the budget bureau in the regular estimates and in supplementary estimates all of the school estimates of the schools originally prepared by the school board, and said that he was hopeful that the school estimates would be able to show the budget bureau the necessity for these requests.

District officials discussing the cuts which had to be made in all of the cuts of the budget should take into consideration when it goes over the District's budget the fact that only 40 per cent of the appropriations for the National Capital comes out of the Treasury.

SCHOOL OFFICIALS WIN BUDGET RAISE

By the Associated Press.

SMYRNA, September 8 (6:55 a.m.).—The Greek fleet left Smyrna this afternoon. The Greek commissioner of police planned to embark tonight, but he was delayed by the presence of the foreign press. (Naturalized Americans have been instructed to leave the town. Turkish nationalist vanguards have been reported fifteen miles from the city.)

GREEK GENERAL FACES TRIAL

Hadjanesti Compelled to Give Up His Command.

By Cable to The Star.

SMYRNA, September 9.—The Greek army has been compelled to give up his command and return to Athens, where it is said he will be tried. The Turkish army is still eighty miles from here, but irregular Turkish cavalry is in the area. The Greek army is still fifty miles from Smyrna. Refugees continue to arrive and their number is in the thousands. The local population is in a panic and the shortage of food is felt.

U. S. Citizens Protected.

The American destroyers Litchfield and Sampson have landed detachments of sailors, and Commander John Rhodes has organized a square around the American consulate. The Americans will gather in case of danger. The naval detachments are supplied with food for forty days and ample ammunition. American citizens here have formed a corps of volunteers, under command of naval officer, to protect American lives and property in case of trouble, which, according to the local authorities, is unavoidable.

British citizens have embarked on warships, and many have already left Smyrna.

City Abandoned.

Greek authorities at 10 o'clock this morning abandoned the city. They turned over administration of the town to the allies, whose consuls met and decided to send emissaries to request the Turkish commander, Kemal, not to attack, since the Greek army had evacuated Smyrna. American, British, French and Italian officers will leave tomorrow to meet Kemal's representatives and discuss conditions under which there may be a peaceful occupation of the town by the Turkish forces.

U. S. INTERVENTION ASKED.

President Harding was urged today in a written appeal left at the White House (Continued on Page 2, Column 6.)

SMYRNA SHELLED BY TURKS AS CITY POPULATION FLEES

Evacuation On, With Great Disorder, as Victorious Army Approaches.

U. S. SAILORS LANDED TO PROTECT AMERICANS

Greek Fleet Leaves Harbor—Administration of Affairs Turned Over to Allies.

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CONSTANTINOPLE, September 8.—Movement for the evacuation of Greece and the establishment of a republic is reported by the Greek newspapers to be under way on the islands of the Grecian Archipelago.

By the Associated Press.

ATHENS, September 9.—Smyrna is being bombarded by the Turkish nationalists. Nine airplanes from the Greek navy base there arrived here this morning, the airman telling of their departure from the city under artillery fire.

As they left the Smyrna airdrome a shell dropped the tenth plane which was just leaving the ground. The plane was unable to continue and the aviators were ignorant of the fate of their comrades.

Great Disaster Prevails.

Smyrna is being evacuated amidst scenes of great disorder, according to refugees, 2,200 of whom have arrived here. The Turkish army is approaching the town, it is declared, and Greek soldiers are confounding with the civilians for places on the outgoing ships.

Rioting is reported among the troops in the Bursa sector. In the notes which the Greeks are embarking at Mubania on the Sea of Marmora.

Kalogeropoulou, the premier-designate, is expected to present the names of his ministers to King Constantine tomorrow.

"The only program we have is to try to extricate the country from the present critical situation," he declares.

REPORTED 25 MILES AWAY.

Former Premier Venizelos Said to Be in Smyrna.

By the Associated Press.

CONSTANTINOPLE, September 9.—Turkish cavalry units have penetrated Greek territory in the Bursa sector after breaking through the Greek front at Alasheir, the ancient Philadelphia, says a dispatch received last night said Turkish forces had reached Manisa, which is about twenty-five miles west of Smyrna.

Gen. Doumanlis has been appointed commander-in-chief of the Greek forces to succeed Gen. Polymenakos.

Venizelos Reported in Smyrna.

The Greek newspapers here carry an account that former Premier Venizelos of Greece and Gen. Paraskevopoulos, the Venizelist former chief commander at Smyrna, have arrived at Smyrna. The report is not confirmed.

In Greek quarters here it was declared that if Venizelos and Gen. Paraskevopoulos, who is his present, would give a marked stimulus to the Greek defense, helping the morale of the army notably.

GREEK FLEET LEAVES.

American Troops Landed to Protect U. S. Citizens.

By the Associated Press.

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Former Alma Loeb Victim of Thieves in Rhenish Prussia.

LONDON, September 9.—A dispatch to the express from Berlin says the Countess von Bluecher, formerly Alma Loeb of New York, has been robbed at a hotel in Kreuznach, Rhenish Prussia. Thieves broke into her room, chloroformed her and took \$1,250.

A dispatch to the express says the countess was found in bed unconscious from chloroform and that her jewelry had been stolen from beneath her pillow.

FIND COUNTESS ROBBED.

By the Associated Press.

SAN JOSE, Costa Rica, September 9.—The Costa Rican national assembly, called in special session by President Acosta for consideration of the Central American treaty of peace and amity signed at the recent conference aboard the U. S. S. Tacoma, has refused to ratify the treaty.